

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TOWAKI KOMATSU,

Plaintiff,

- against -

**ORDER**

Case No. 21-CV-1838

UNITED STATES OF AMERICA, et al.,

Defendants.

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DEARIE, District Judge\*

Pro se plaintiff Towaki Komatsu requests that the Court permit him leave to file a second amended complaint. See ECF No. 129 at 4. This application provides the Court with the opportunity to direct Mr. Komatsu's attention to Rule 8 of the Federal Rules of Civil Procedure, which requires him to submit a "short and plain statement of [his] claim showing that [he] is entitled to relief." As the Second Circuit has explained, "[w]hen a complaint does not comply with the requirement that it be *short* and *plain*, the court has the power . . . to dismiss the complaint." Salahuddin v. Cuomo, 861 F.2d 40, 42 (2d Cir. 1988) (emphasis added). Any failure to comply with Rule 8 in the future will indeed invite dismissal of the case with prejudice. Mr. Komatsu is referred to the Pro Se Legal Assistance Project (212-382-4729) as a valuable resource in preparing an amended complaint that comports with the Federal Rules of Civil Procedure.

I again remind Mr. Komatsu that, no matter how justified he may be in his claims, scurrilous accusation, insult, and obscene invective have no place in discourse before the Court and will not be tolerated. Mr. Komatsu has been warned before. He will not be warned again.

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\* Hon. Raymond J. Dearie, United States District Court for the Eastern District of New York, sitting by designation.

Further, prolix diatribes that are not responsive to the defendants' applications or an order of the Court will not be considered and will be returned by the Clerk.

Mr. Komtasu's request to file a second amended complaint is granted. The pleading must be filed on or before May 26, 2022. Defendants are to file an answer or responsive motion under Rule 12 within 45 days, on or before July 11, 2022.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: Brooklyn, New York  
April 11, 2022

/s/ Raymond J. Dearie  
RAYMOND J. DEARIE  
United States District Judge  
Sitting by Designation